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Raymunda Santos

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

<hr/>		: Civil Action No.:
RAYMUNDA SANTOS,		:
		:
Plaintiff,		: COMPLAINT FOR DAMAGES
v.		: PURSUANT TO THE FAIR
		: CREDIT REPORTING ACT, 15
MILLIMAN, INC,		: U.S.C. § 1681, ET SEQ.
		:
Defendant.		: JURY TRIAL DEMANDED
		:
		:

INTRODUCTION

1. The United States Congress has found the banking system is dependent upon fair and accurate credit reporting. Inaccurate credit reports directly impair the efficiency of the banking system, and unfair credit reporting methods undermine the public confidence, which is essential to the continued functioning of the banking system. Congress enacted the Fair Credit

1 Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”), to ensure fair and accurate
2 reporting, promote efficiency in the banking system, and protect consumer
3 privacy. The FCRA seeks to ensure consumer reporting agencies exercise
4 their grave responsibilities with fairness, impartiality, and a respect for the
5 consumer’s right to privacy because consumer reporting agencies have
6 assumed such a vital role in assembling and evaluating consumer credit and
7 other information on consumers. The FCRA also imposes duties on the
8 sources that provide credit information to credit reporting agencies, called
9 “furnishers.”
10
11

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13 2. Through a tightly wound set of procedural protections, the FCRA protects
14 consumers from the material risk of harms that otherwise flow from inaccurate
15 reporting. Thus, through the FCRA, Congress struck a balance between the
16 credit industry’s desire to base credit decisions on accurate information, and
17 consumers’ substantive right to protection from damage to reputation, shame,
18 mortification, and the emotional distress that naturally follows from
19 inaccurate reporting of a consumer’s fidelity to his or her financial
20 obligations.
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22

23
24 3. Raymunda Santos (“Plaintiff”), by Plaintiff’s attorneys, brings this action
25 against Milliman, Inc (“Milliman” or “Defendant”) for violations of the
26 FCRA, as set forth below.
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JURISDICTION AND VENUE

- 1
- 2 4. This Court has federal question jurisdiction because this case arises out of
- 3 violations of the FCRA. 15 U.S.C. § 1681 *et seq.*; 28 U.S.C. § 1331; *Smith v.*
- 4 *Community Lending, Inc.*, 773 F.Supp.2d 941, 946 (D. Nev. 2011).
- 5
- 6 5. Venue is proper in the United States District Court for the District of Nevada
- 7 pursuant to 28 U.S.C. § 1391(b) because Plaintiff is a resident of Clark
- 8 County, Nevada and because Defendant is subject to personal jurisdiction in
- 9 Clark County, Nevada; conducts business in Clark County, Nevada; the
- 10 events giving rise to this action occurred in Clark County, Nevada; and
- 11 Defendant is registered with the Nevada Secretary of State as a foreign limited
- 12 liability company and has appointed a registered agent in Nevada.
- 13
- 14
- 15

PARTIES

- 16
- 17 6. Plaintiff is a natural person residing in the County of Clark, State of Nevada. In
- 18 addition, Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §
- 19 1681a(c).
- 20
- 21 7. Milliman regularly assembles and/or evaluates consumer credit information for
- 22 the purpose of furnishing consumer credit reports to third parties, and uses
- 23 interstate commerce to prepare and/or furnish the reports. Equifax is a
- 24 “consumer reporting agency” as that term is defined by 15 U.S.C. § 1681a(f).
- 25
- 26 8. Unless otherwise indicated, the use of Defendant’s name in this Complaint
- 27 includes all agents, employees, officers, members, directors, heirs, successors,
- 28

1 assigns, principals, trustees, sureties, subrogees, representatives, and insurers
2 of Defendant.

3 **Milliman Failed to Appropriately Respond to Plaintiff's Written Dispute**
4

5 9. In an Milliman credit report dated January 8, 2020, Milliman reported obsolete
6 information regarding Plaintiff's medical history.

7
8 10. On or about October 12, 2020, pursuant to 15 U.S.C. § 1681i(a)(2), Plaintiff
9 disputed Milliman's reported information regarding misreported trade lines
10 by notifying Milliman, in writing, of the incorrect and inaccurate credit
11 information reported by Milliman.

12
13 11. Specifically, Plaintiff mailed a written dispute, first class US Mail, to
14 Milliman ("Dispute Letter"), requesting disputed obsolete information be
15 removed, corrected, or deleted.

16
17 12. Milliman was required to conduct an investigation into the disputed
18 information on Plaintiff's consumer report pursuant to 15 U.S.C. § 1681i.

19
20 13. On or about February 18, 2021, Plaintiff received notification from Milliman
21 through its "reinvestigation" that Milliman received notice of Plaintiff's
22 dispute pursuant to 15 U.S.C. § 1681i(a)(6). However, Milliman claimed it
23 was unable to make the corrections Plaintiff requested because "...the
24 information contained in the report was specific to the time and insurance
25 company, so we cannot remove items that are subsequently outdated".
26
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1 14. A reasonable investigation by Milliman would have provided an updated
2 report with the obsolete information removed.

3 15. Milliman failed to conduct a reasonable investigation as required by 15
4 U.S.C. § 1681i(a), and failed to remove obsolete information in connection
5 with Plaintiff's credit reports.
6

7
8 **FIRST CAUSE OF ACTION**
9 **VIOLATION OF THE FAIR CREDIT REPORTING ACT**
10 **15 U.S.C. § 1681 *ET SEQ.* (FCRA)**

11 16. Plaintiff incorporates by reference all the above paragraphs of this Complaint
12 as though fully stated herein.

13 17. Defendant failed to conduct a reasonable investigation as required by 15
14 U.S.C. § 1681i(a), and refused to remove obsolete information in connection
15 with Plaintiff's credit reports.
16

17 18. Defendant failed to review all relevant information provided by Plaintiff in
18 the dispute to Defendant, as required by and in violation of 15 U.S.C. §
19 1681i(a).
20

21 19. Upon receipt of Plaintiff's dispute, Defendant failed to conduct an
22 investigation with respect to the disputed information as required by 15 U.S.C.
23 § 1681i(a).
24

25 20. Reporting and re-reporting the above-referenced derogatory information also
26 constituted a violation of 15 U.S.C. § 1681g(a) because the lack of clarity in
27
28

1 the information reported and re-reported has the tendency to confuse ordinary
2 consumers like Plaintiff.

3 21. Despite Plaintiff's efforts to correct Defendant's obsolete reporting in
4 writing, Defendant neglected, refused, or failed to do so.

5
6 22. Defendant's continued reporting of obsolete items in light of its knowledge
7 of the actual errors was willful. Plaintiff is, accordingly, eligible for statutory
8 damages.

9
10 23. Also as a result of Defendant's continued inaccurate and negative reporting,
11 Plaintiff has suffered actual damages, including without limitation fear of
12 credit denials, out-of-pocket expenses in challenging Defendant's wrongful
13 representations, damage to her creditworthiness, and emotional distress.

14
15 24. By inaccurately reporting obsolete information after notice and confirmation
16 of their errors, Defendant failed to take the appropriate measures as required
17 under 15 U.S.C. § 1681e(b) and 1681i(a).

18
19 25. The foregoing acts and omissions constitute numerous and multiple willful,
20 reckless, or negligent violations of the FCRA, including but not limited to
21 each and every one of the above-cited provisions of the FCRA, 15 U.S.C. §
22 1681.

23
24 26. As a result of each and every willful violation of the FCRA, Plaintiff is
25 entitled to actual damages as the Court may allow pursuant to 15 U.S.C. §
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1681n(a)(1); statutory damages pursuant to 15 U.S.C. § 1681n(a)(1); punitive damages as the Court may allow pursuant to 15 U.S.C. § 1681n(a)(2); and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1681n(a)(3) from Defendant.

27. As a result of each and every negligent noncompliance of the FCRA, Plaintiff is entitled to actual damages as the Court may allow pursuant to 15 U.S.C. § 1681o(a)(1); and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1681o(a)(2) from Defendant.

PRAYER FOR RELIEF

Plaintiff respectfully requests the Court grant Plaintiff the following relief against Defendant:

FIRST CAUSE OF ACTION VIOLATION OF THE FAIR CREDIT REPORTING ACT 15 U.S.C. § 1681 ET SEQ. (FCRA)

- actual damages pursuant to 15 U.S.C. § 1681n(a)(1);
- statutory damages pursuant to 15 U.S.C. § 1681n(a)(1);
- punitive damages as the Court may allow pursuant to 15 U.S.C. § 1681n(a)(2);
- costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1681n(a)(3), and 15 U.S.C. § 1681(o)(a)(1) against Defendant for each incident of negligent noncompliance of the FCRA; and

- any other relief the Court may deem just and proper.

TRIAL BY JURY

28. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: June 3, 2021

Respectfully submitted,

By /s/ David Krieger, Esq.
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